

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, 5-9 and 40-51 are currently pending in the application. Claims 1, 5, 7-9 and 40 are amended; Claim 4 is canceled; and Claims 41-51 are added by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.<sup>1</sup> No new matter is presented.

In the Office Action, Claims 1, 3-5, 7-9 and 40 are rejected under 35 U.S.C. § 103(a) as unpatentable over Okamoto et al. (U.S. Pat. 7,310,823, herein Okamoto) in view of Nakane et al. (U.S. Pat. 6,522,609, herein Nakane); and Claim 6 is rejected under 35 U.S.C. § 103(a) as unpatentable over Okamoto in view of Nakane and Ando et al. (U.S. Pat. 7,286,746, herein Ando).

In response to the above noted rejections under 35 U.S.C. § 103, Applicant respectfully submits that amended independent Claims 1, 9 and 40 recite novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1, for example, is amended to incorporate the features of Claim 4 and recites, in part, a recording system in which a host device and a recording drive are connected via a bus,

said host device comprising  
determination means for determining whether input content is  
to be protected,  
said recording drive comprising  
recording means for recording user data interspersed with user  
control data in a unit of physical cluster on a recording medium,  
wherein the content is recorded in the user data, and protection  
information is recorded in the user control data..., and  
said recording drive further comprises first encryption means for  
encrypting the content *using an ID and a recording medium key of the*

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<sup>1</sup> Independent Claims 1, 9 and 40 are amended to incorporate the features of now-canceled Claim 4; and support for new Claims 41-51 can be found at p. 30, l. 22 – p. 31, l. 7.

**recording medium** when said determination means determines that the content is to be protected.

Independent Claims 9 and 40, while directed to alternative embodiments, are amended to recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1, 9 and 40.

Turning to the applied primary reference, Okamoto describes a digital information recording apparatus that includes multiple recording circuits for making multiple copies. The apparatus limits the number of copies in accordance with copy information provided within the digital information.<sup>2</sup>

Okamoto, however, fails to teach or suggest a recording drive that includes an “encryption means for encrypting the content **using an ID and a recording medium key of the recording medium ...**” as recited in amended independent Claim 1.

In rejecting the above noted features, as previously recited in Claim 4, the Office Action relies on col. 8, ll. 10-27 of Okamoto. This cited portion of Okamoto describes that, at the recording circuit 41 shown in Fig. 4, content output from storage 4102 is encrypted as needed in an encryption circuit 4103 according to a control signal received from a recording control circuit 4109. The information received, for example, via an input terminal 4104, is used for the encryption, and the information includes a device key such as an apparatus identification number, a user key such as a personal ID read from a user IC card loaded in the apparatus, or a content key generated at random for each information item (content) to be recorded.

Therefore, Okamoto describes using a device key, user key or content key for encrypting the content for storage at the recording medium drive 4303, when it is determined that the content should be protected. At no point does Okamoto teach or suggest that an ID and a recording medium key **of the recording medium** 4303 are used to encrypt the content,

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<sup>2</sup> Okamoto, Abstract.

whatsoever. Instead, as noted above, the encryption information used in Okamoto corresponds to the device, the user or the content, but not to the recording medium 4303 to which the data is recorded.

As described at col. 8, ll. 44-54 and Fig. 5 of Okamoto, the information signal output from the output terminal 4106 (e.g. the encrypted content) is transferred to the input terminal 4301 of the recording/reproducing circuit 43 shown in Fig. 5. This signal is amplified and recorded on a recording medium in the recording media drive 4303. Thus, the recording medium in Okamoto is clearly the recording medium drive 4303 to which the data is input from the recording circuit, and at no point does Okamoto teach or suggest that any ID or key corresponding to the recording media drive 4303 is used to encrypt the data, as claimed.

Further, Nakane, the secondary reference, fails to remedy the above noted deficiencies of Okamoto. Therefore, Okamoto and Nakane, neither alone, nor in combination, teach or suggest a recording drive that includes an “encryption means for encrypting the content ***using an ID and a recording medium key of the recording medium ...***”, in combination with all the additional limitations recited in amended independent Claim 1.

Accordingly, Applicant respectfully requests that the rejection of Claim 1 (and Claims 3, 5, 7 and 8, which depend therefrom) under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons, it is also submitted that amended independent Claims 9 and 40 patentably define over Okamoto and Nakane.

Dependent Claim 5 is also rejected under 35 U.S.C. § 103 as unpatentable over Okamoto in view of Nakane. Claim 5 recites that the encryption means at the recording drive “encrypts the content by ***using at least a recording medium key of the recording medium*** when said determination means determines that the content is ***not to be protected***”.

In rejecting Claim 5, the Office Action again cites col. 8, ll. 10-27 of Okamoto. As noted above, however, this cited portion of Okamoto fails to teach or suggest encrypting content *using at least a recording medium key of the recording medium*, whatsoever. Moreover, Okamoto fails to teach or suggest that the content is encrypted when it is determined that the content is *not to be protected*, as recited in dependent Claim 5. Further, Nakane fails to remedy this deficiency.

Therefore, Okamoto and Nakane, neither alone, nor in combination teach or suggest an encryption means at a recording drive that “encrypts the content by *using at least a recording medium key of the recording medium* when said determination means determines that the content is *not to be protected*”, as recited in dependent Claim 5.

Accordingly, Applicant respectfully requests that the rejection of Claim 5 under 35 U.S.C. § 103 be withdrawn.

Dependent Claim 3 was also rejected under 35 U.S.C. § 103 as unpatentable over Okamoto in view of Nakane. Applicant respectfully traverses this rejection, as Claim 3, as well as new dependent Claims 44 and 48, which recite similar features, patentably define over Okamoto in view of Nakane.

Particularly, dependent Claim 3 specifies that “*the unit is 2048 bytes*”. In rejecting this claimed feature, the Office Action relies on col. 8, ll. 28-37 of Okamoto. This cited portion of Okamoto describes that encrypted information is transferred to the encoder circuit 4105, which shuts off information that is not to be recorded according to the control information received from the control circuit 4109. For the information to be recorded, the encoder circuit 4105 modulates the information in accordance with the medium to be used and outputs the modulated information to the output terminal 4106.

Thus, this cited portion of Okamoto merely describes a process of encoding data for subsequent output to the recording medium, and does not relate to *a unit of physical cluster including 2048 bytes*, as recited in dependent Claim 3.

Accordingly, Applicant respectfully requests that the rejection of Claim 3 under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons, it is also submitted that new dependent Claims 44 and 48 patentably define over Okamoto and Nakane.

Regarding the rejection of Claim 6 under 35 U.S.C. § 103(a) as unpatentable over Okamoto in view of Nakane and Ando, Applicant notes that Claim 6 depends from Claim 1 and patentably defines over the applied references for at least the reasons discussed above. Further, it is respectfully submitted that Ando fails to remedy the above noted deficiencies of Okamoto and Nakane.

Accordingly, Applicant respectfully requests that the rejection of Claim 6 under 35 U.S.C. § 103 be withdrawn.

Further, new dependent Claims 41-51 are added, which recite more detailed features regarding the structure of the physical cluster. Applicant respectfully submits that the applied references, neither alone, nor in combination, teach or suggest the features recited in new dependent Claims 41-51.

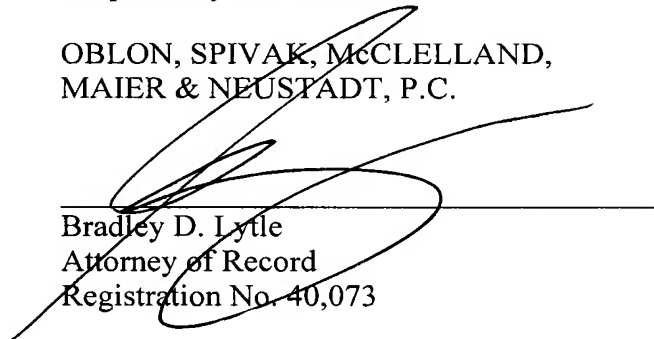
Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 3, 5-9 and 40-51 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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